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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,454	01/30/2004	Richard Craig Beesley	038819.53225US	3942
23911 7590 04/09/2007 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER DINH, KHANH Q	
			ART UNIT	PAPER NUMBER
			2151	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/09/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/767,454		BEESLEY ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Khanh Dinh		2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This is in response to the Amendment filed on 1/3/2007. Claims 1-5 and 7-12 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 and 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Araujo et al. (hereafter Araujo), US pub. No.2003/0191799 A1.

As to claim 1, Araujo discloses a method of communicating over a public data network, the method comprising:

transmitting to a remote server (70 fig.1) on the network a request for web browsing software (client application programs located at the remote server using the terminal web browser) stored on the remote server to be downloaded a terminal (10 fig.1) connected to the network (see abstract, fig.1, [0062] to [0064]);

receiving the web browsing software at the terminal (see [0064]);

using the web browsing software which has been downloaded to the terminal from the terminal over the public data network (see [0062] to [0064]); wherein *at least one* of the following is true:

wherein, the web browsing software is configured such that user input data, input to the web browsing software by user of the terminal, is transmitted into the network without storing a record of said input data being stored at the terminal (see [0065] to [0068]); and

data which are received at the terminal by the web browsing software, at the request of the user are presented to the user without a record of the data being stored at the terminal (see [0067] to [0069]).

As to claim 2, Araujo discloses the browsing software is Java Applet (see [0134]).

As to claim 3, Araujo discloses the web browsing software is for communicating with web sites (see [0066] to [0069]).

As to claim 4, Araujo discloses the web browsing software is downloaded by and runs within a further browsing software provided on the terminal (see [0064]).

As to claim 5, Araujo discloses wherein the further browsing software is a Web Browser (see [0064] to [0065]).

As to claim 7, Araujo discloses the browsing software is arranged to communicate with the public data network via a Web Browser application running on a remote server (see fig.2,).

As to claim 8, Araujo discloses the Web Browser application retrieving web pages from the network on behalf of the browsing software and the browsing software receives the Web Pages in a non graphical format from the Web Browser application (see fig.2, col.6 lines 17-58 and col.8 lines 3-63).

As to claim 9, Araujo discloses wherein no copy of the data transmitted to the network or received from the network by the application is cached at the terminal or written to permanent memory [0065] to [0068]).

As to claim 10, Araujo discloses wherein no record of a network address visited by the application from the terminal is stored at the terminal (see [0069] to [0072] and [0096] to [0101]).

As to claim 11, Araujo discloses wherein the network address is any an IP address, domain name URL (see fig.6, [0109] to [0111]).

Claim 12 is rejected for the same reasons set forth claim 1.

***Response to Arguments***

4. Applicant's arguments filed on 1/3/2007 have been fully considered but they are not persuasive.

- Applicant asserts that the cited reference does not disclose "using the web browsing software which has been downloaded to the terminal from the terminal over the public data network"

*Examiner respectfully disagrees. Examiner respectfully point out that Araujo discloses the Applicant claimed invention by using the web browsing software (downloading client application programs such as web page upon user's requests, located at the remote server using the terminal web browser) which has been downloaded to the terminal (remote client 10 fig.1) to communicate from the terminal over the public data network (Internet 30 fig.1) (see [0062] to [0064]).*

- Applicant asserts that the cited reference does not disclose "such that user input data, input to the web browsing software by user of the terminal, is transmitted into the network without storing a record of said input data being stored at the terminal".

*Examiner respectfully point out that Araujo discloses such that user input data (user mouse clicks and keystroke data by an user), input to the web browsing software by user of the terminal, is transmitted into the network without storing a record of said input data being stored at the terminal (see*

*[0065] to [0068]). Araujo does not disclose that the terminal must store user input data at the terminal; therefore, Araujo discloses the Applicant's claimed invention.*

*As a result, cited prior art does disclose a method of communicating over a public data network as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art. Claims 2-5 and 7-12 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in the previous office action [see paper mailed on 10/2/2006]. Accordingly, claims 1-5 and 7-12 are respectfully rejected.*

### **Conclusion**

5. Claims 1-5 and 7-12 are rejected.
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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